

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT REEVES,)
Petitioner,) Civil Action No. 11-248 Johnstown
)
v.) District Judge Sean J. McLaughlin
)
MICHAEL W. HARLOW, et al.,)
Respondents.)

MEMORANDUM ORDER

SEAN J. McLAUGHLIN, District Judge.

This action, filed pursuant to 28 U.S.C. § 2254, was received by the Clerk of Court on October 28, 2011, and was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Local Rules for Magistrate Judges. On January 13, 2012, the Magistrate Judge issued a Report and Recommendation [ECF No. 10] recommending that the petition be dismissed for lack of jurisdiction and that a certificate of appealability be denied. Objections were filed by Petitioner on March 15, 2012. [ECF No. 12]. After *de novo* review of the petition and documents in this case, together with the Report and Recommendation and Objections thereto, the following order is entered:

AND NOW, this 10th day of April, 2012;

IT IS ORDERED that the instant petition for writ of habeas corpus be, and hereby is, DISMISSED for lack of jurisdiction, as this is at least the second habeas petition filed by the Petitioner challenging his judgment of sentence, and Petitioner has not obtained authorization from the Third Circuit Court of Appeals to file the instant petition, as is required by 28 U.S.C.

§2244(b)(3)(A). Inasmuch as jurists of reason would not find it debatable whether jurisdiction is lacking over the instant petition, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation [ECF No. 10] of Magistrate Judge Baxter, filed on January 13, 2012, is adopted as the opinion of the Court. The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin

Sean J. McLaughlin
United States District Judge

cc: All parties of record
Susan Paradise Baxter,
U.S. Magistrate Judge